

DOCKET NO: 290074US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
THOMAS OSTROWSKI ET AL : EXAMINER: KEYS, R.A.
SERIAL NO: 10/578,874 :
FILED: MAY 11, 2006 : GROUP ART UNIT: 1621
FOR: METHOD FOR PRODUCING POLYETHER ALCOHOLS

RESPONSE TO MARCH 29, 2011, OFFICE COMMUNICATION RE 35 U.S.C. § 119

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant received an Office communication from the Examiner mailed March 3, 2011, stating:

The Oath claims foreign priority under 35 USC 119(a)-(d). However, a 35 U.S.C. 119(a)-(d) foreign priority claim cannot be based on a U.S. application. See MPEP 1893.03(c), "Priority Claim Under 35 U.S.C. 120. The BIB has been updated to reflect that the conditions under 35 USC 119(a-d) have not been met.

The Examiner is correct. The record of this Application properly should reflect that conditions for priority under 35 U.S.C. § 119(a-d) have not been met.

All information in the Application Data Sheet, filed May 16, 2006, relating to PCT/EP04/12598, and the claims for priority therein, are correct.

However, page 2 of the original Oath incorrectly claimed priority under 35 U.S.C. § 119(a)-(d) based on U.S. Application 10/712,707, filed November 13, 2003. The original Oath should have claimed priority under 35 U.S.C. § 120 based on U.S. Application 10/712,707, filed November 13, 2003.

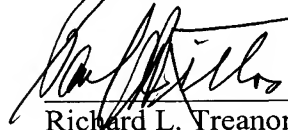
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Reply to Office communication mailed March 29, 2011

Accordingly, Applicant is filing herewith a substitute Oath properly claiming priority under 35 U.S.C. § 119(a)-(d) based on U.S. Application 10/712,707, filed November 13, 2003.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Richard L. Treanor
Registration No. 36,379

Teddy S. Gron
Registration No. 63,062

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Paul Killos
Registration No. 58,014